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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

ALEX RUDAJ, :
a/k/a "Sandro Rudovic,"
a/k/a "Uncle," :
a/k/a "Allie Boy,"
NARDINO COLOTTI, :
a/k/a "Leonardo,"
a/k/a "Lenny," :
NIKOLA DEDAJ,
a/k/a "Big Nick," :
a/k/a "Nicky Nails,"
PRENKA IVEZAJ, :
a/k/a "Frankie,"
a/k/a "Big Frank," :
LJUSA NUCULOVIC,
a/k/a "Louie," and :
ANGELO DIPIETRO,
a/k/a "Fat Angelo," :

Defendants. :

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Redacted

INDICTMENT

S3 04 Cr. 1110 (DLC)

RACKETEERING CHARGES

COUNT ONE

Racketeering Violation

The Grand Jury charges:

The Enterprise

1. At all times relevant to this Indictment, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and

ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, were members and associates of an organized criminal enterprise (the "Rudaj Organization"). The Rudaj Organization, known by its members and associates as "The Corporation," was a criminal organization whose members and associates have engaged in numerous crimes, including attempted murder, extortion, the making of extortionate extensions of credit (commonly known as "loansharking"), the collection of extensions of credit through extortionate means, assault, and illegal gambling.

2. The Rudaj Organization, including its leadership, membership and associates, constituted an "enterprise" as that term is defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which was engaged in, and the activities of which affected, interstate and foreign commerce. The Rudaj Organization was an organized criminal group based in Westchester County, the Bronx, and Astoria, Queens, that operated in the Southern District of New York and elsewhere and constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

The Defendants

3. At various times relevant to this Indictment, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy,"

NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, were members and associates of the enterprise, the Rudaj Organization, and participated in the operation and management of the enterprise.

4. At various times relevant to this Indictment, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, were the primary leaders of the Rudaj Organization. As the leaders of the Rudaj Organization, RUDAJ, COLOTTI, and DEDAJ were responsible for, among other things, supervising the criminal activities of the members and associates of the Rudaj Organization, providing the members and associates of the Rudaj Organization with support and protection, and resolving disputes with other organized criminal groups in the New York City area. In return for their supervision and protection, RUDAJ, COLOTTI, and DEDAJ typically received a share of the illegal earnings from the various criminal activities of the members and associates of the Rudaj Organization. In addition, apart from supervising and directing the criminal activities of the members and associates of the Rudaj Organization, RUDAJ, COLOTTI, and DEDAJ also participated directly in the criminal activities of the Rudaj

Organization.

5. At various times relevant to this Indictment, PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, were members and associates of the Rudaj Organization. Among their criminal activities were participation in the extortion of money from persons and businesses, the use of extortionate means to collect extensions of credit from persons and businesses, and the operation of illegal gambling businesses. IVEZAJ, LJUSA NUCULOVIC, and ANGELO DIPIETRO, received some of the illegal earnings of the Rudaj Organization as payment for their participation in the criminal activities of the Rudaj Organization. In addition, as members and associates of the Rudaj Organization, IVEZAJ, LJUSA NUCULOVIC, and ANGELO DIPIETRO, regularly reported to ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants.

6. When disputes arose between the Rudaj Organization and other criminal enterprises in the New York City area, including criminal groups, referred to as Families, that were part of the nationwide criminal organization known as the "Mafia" and "La Cosa Nostra" ("LCN"), the leaders of the Rudaj Organization would be called upon to resolve these disputes. In

some instances, the leaders of the Rudaj Organization resolved disputes by allocating territory among the competing criminal groups. In other instances, the leaders of the Rudaj Organization resolved disputes by using threats of violence and actual violence against the members and associates of other criminal groups. In those instances where the leaders of the Rudaj Organization resorted to violence, the members and associates of the Rudaj Organization frequently carried and brandished firearms.

Purposes of the Enterprise

7. The purposes of the Rudaj Organization included the following:

a. Enriching the leaders, members and associates of the Rudaj Organization through, among other things, (i) the extortionate control of businesses and persons through threats of physical and economic harm, and the use of physical violence; (ii) the use of extortionate means to collect extensions of credit; (iii) the making of extortionate extensions of credit, commonly known as "loansharking"; and (iv) the operation and ownership of illegal gambling businesses;

b. Preserving, protecting, and augmenting the power, territory and financial profits of the Rudaj Organization through intimidation, violence, and threats of physical and economic harm; and

c. Keeping victims and citizens in fear of the Rudaj Organization, and its leaders, its members and its associates by committing and threatening to commit physical violence and by causing and threatening to cause economic harm.

Means and Methods of the Enterprise

8. Among the means and methods by which the defendants and other enterprise members and associates conducted and participated in the conduct of the affairs of the enterprise were the following:

a. To protect and expand the enterprise's business and criminal operations, members and associates of the enterprise threatened to murder and assault, and did assault, persons who engaged in activity that jeopardized (i) the power and criminal activities of the enterprise, (ii) the power of leaders of the enterprise, and (iii) the flow of criminal proceeds to the leaders of the enterprise.

b. Members and associates of the enterprise promoted a climate of fear in the community through threats of economic harm and violence.

c. Members and associates of the enterprise generated income for the enterprise through, among other things, (i) extortion; (ii) the use of extortionate means to collect extensions of credit; (iii) loansharking; (iv) the operation and ownership of illegal gambling businesses; and (v) the placement of illegal gambling machines into otherwise legitimate businesses, such as restaurants and bars, and other illegal gambling businesses that were owned and operated by other persons.

d. Members and associates of the enterprise at times engaged in criminal conduct or coordinated their criminal activities with leaders, members, and associates of other criminal organizations, including LCN Families.

e. Members and associates of the enterprise attempted to identify and did identify individuals suspected of providing, or deemed likely to provide, information to law enforcement about the enterprise, its members and activities.

f. Members and associates of the enterprise loaned money and extended credit to various individuals, including customers of the enterprise's illegal gambling businesses, and used, and threatened to use, force and physical violence against those individuals to compel them to repay the enterprise.

g. To conceal their receipt of money generated from their criminal activities, members and associates of the enterprise concealed their ownership of various assets that were purchased with proceeds of their criminal activities.

The Racketeering Violation

9. From in or about the early 1990s, up through and

including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in paragraphs 1 through 8 above, namely, the Rudaj Organization, which enterprise was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully, willfully, and knowingly conducted and participated, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), that is, through the commission of the following acts of racketeering:

The Pattern of Racketeering Activity

10. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

11. Racketeering Act One

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act One:

a. Operation of Illegal Gambling Business

From in or about 1993, up through and including in or about October 2004, in the Southern District of New York, the Eastern District of New York, and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal gambling business, namely, a network of illegal gambling parlors, numerous gambling machines devoted to illegal gambling activities, and a bookmaking operation, in violation of New York State Penal Law Sections 225.00, 225.10, and 20.00, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of $2,000 in a single day, in violation of Title 18, United States Code, Sections 1955 and 2.

b. Promotion of Illegal Gambling

From in or about 1993, up through and including in or about October 2004, in the Southern District of New York, the Eastern District of New York, and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly promoted gambling in violation of New York State Penal Law Sections 225.00, 225.10, and 20.00.

12. Racketeering Act Two

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Two:

a. Conspiracy To Murder

In or about December 1993, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," and NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conspired to murder a victim ("Victim-1") in violation of New York State Penal Law, Sections 105.15 and 125.25.

b. Attempted Murder

On or about December 7, 1993, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," and NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," the defendants, unlawfully, intentionally, and knowingly attempted to murder Victim-1, and aided and abetted the attempted murder of Victim-1, in violation of New York State Penal Law, Sections 110.00, 125.25, and 20.00.

13. Racketeering Act Three

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Three:

a. Extortion Conspiracy

From in or about December 1998, up through and including in or about February 1999, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the owner ("Victim-2") of a bar located in Mount Vernon, New York, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. Attempted Extortion

From in or about December 1998, up through and including in or about February 1999, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, to wit, Victim-2, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

14. Racketeering Act Four

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Four:

a. Extortion Conspiracy

In or about June 2001, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to wrongfully take and obtain the property of another, namely, two individuals ("Victim-3" and "Victim-4") who were believed to be associated with a competing criminal organization that was also involved in controlling and protecting illegal gambling businesses in Astoria, Queens, by means of extortion, by instilling in Victim-3 and Victim-4 a fear that the defendants would damage property and cause physical injury to some person in the future, in violation of New York State Penal Law, Sections 105.13, 155.05, and 155.40.

b. Extortion

On or about June 16, 2001, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a

"Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did wrongfully take and obtain, and attempt to take and obtain, the property of another, namely, Victim-3 and Victim-4 who were believed to be associated with a competing criminal organization that was also involved in controlling and protecting illegal gambling businesses in Astoria, Queens, by means of extortion, by instilling in Victim-3 and Victim-4 a fear that the defendants would damage property and cause physical injury to some person in the future, in violation of New York State Penal Law, Sections 110.00, 155.05, 155.40, and 20.00.

15. Racketeering Act Five

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Five:

a. Extortion Conspiracy

In or about August 2001, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat

Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to wrongfully take and obtain the property of another, namely, the owners and operators of an illegal gambling business, known as Soccer Fever, located in Astoria, Queens (the "Soccer Fever Victims"), by means of extortion, by instilling in the Soccer Fever Victims a fear that the defendants would damage property and cause physical injury to some person in the future, in violation of New York State Penal Law, Sections 105.13, 155.05, and 155.40.

b. Extortion

In or about August 2001, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did wrongfully take and obtain, and attempt to take and obtain, the property of another, namely, the Soccer Fever Victims, by means of extortion, by instilling in the Soccer Fever Victims a fear that the defendants would damage property and cause physical injury to some person in the future, in violation of New York State Penal Law, Sections 110.00, 155.05, 155.40, and 20.00.

16. Racketeering Act Six

The defendant named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Six:

a. Extortion Conspiracy

In or about August 2001, in the Southern District of New York and elsewhere, LJUSA NUCULOVIC, a/k/a "Louie," the defendant, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the owner and manager of a restaurant, known as the Grecian Cave, located in Astoria, Queens (the "Grecian Cave Victims"), which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. Attempted Extortion

In or about August 2001, in the Southern District of New York and elsewhere, LJUSA NUCULOVIC, a/k/a "Louie," the defendant, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, namely, the Grecian Cave Victims, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

17. Racketeering Act Seven

a. Extortionate Debt Collection

From in or about August 2001, up through and including in or about February 2002, in the Southern District of New York, the Eastern District of New York, and elsewhere, LJUSA NUCULOVIC, a/k/a "Louie," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did participate in the use of extortionate means to collect and attempt to collect an extension of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the non-repayment of said extensions of credit, in violation of Title 18, United States Code, Sections 894 and 2.

18. Racketeering Act Eight

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Eight:

a. Extortion Conspiracy

In or about February 2002, in the Southern District of New York and elsewhere, PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the owner of Calda's Bar, located in Mount Vernon, New York (the "Calda's Bar Victim"), which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. Attempted Extortion

In or about February 2002, in the Southern District of New York and elsewhere, PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, namely, the Calda's Bar Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

19. Racketeering Act Nine

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Nine:

a. Extortion Conspiracy

In or about October 2002, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the owner of a strip club known as the Mirage, located in the Bronx, New York (the "Mirage Victim"), which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Section 1951.

b. Attempted Extortion

In or about October 2002, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, namely, the Mirage Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

20. Racketeering Act Ten

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Ten:

a. Conspiracy to Use Extortionate Means to Collect Extensions of Credit

From in or about 2003, up through and including in or about April 2004, in the Southern District of New York, the Eastern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the non-repayment of said extensions of credit, in violation of Title 18, United States Code, Section 894.

b. Extortionate Debt Collection

From in or about 2003, up through and including in or about April 2004, in the Southern District of New York, the Eastern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the non-repayment of said extensions of credit, in violation of Title 18, United States Code, Sections 894 and 2.

21. Racketeering Act Eleven

a. Loansharking

From in or about August 2003, up through and including in or about October 2003, in the Southern District of New York, the Eastern District of New York, and elsewhere, LJUSA NUCULOVIC, a/k/a "Louie," the defendant, unlawfully, willfully and knowingly did make extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, to a debtor, to wit, LJUSA NUCULOVIC made an extension of credit totaling approximately $10,000 at an extortionate rate of interest to a debtor (the "Debtor"), in violation of Title 18, United States Code, Sections 892 and 2.

22. Racketeering Act Twelve

The defendants named below committed the following acts of racketeering, any one of which alone constitutes the commission of Racketeering Act Twelve:

a. Extortion Conspiracy

From in or about Summer 2003, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and LJUSA NUCULOVIC, a/k/a "Louie," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the owner of Cosmo's Bar, located in Astoria, Queens (the "Cosmo's Bar Victim"), which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States

Code, Section 1951.

b. Extortion

From in or about Summer 2003, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and LJUSA NUCULOVIC, a/k/a "Louie," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did commit extortion, and did attempt to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by obtaining and attempting to obtain money and property from and with the consent of another person, namely, the Cosmo's Bar Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), in violation of Title 18, United States Code, Sections 1951 and 2.

23. Racketeering Act Thirteen

a. Extortionate Debt Collection

From in or about April 2004, up through and including in or about May 2004, in the Southern District of New York, the Eastern District of New York, and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did participate in the use of extortionate means to collect and attempt to collect an extension of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the non-repayment of said extensions of credit, in violation of Title 18, United States Code, Sections 894 and 2.

24. Racketeering Act Fourteen

a. Loansharking

From in or about April 2004, up through and including in or about May 2004, in the Southern District of New York, the Eastern District of New York, and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did make extortionate extensions of credit, as that term is defined in Title 18, United States Code, Section 891, to a debtor, in violation of Title 18, United States Code, Sections 892 and 2.

(Title 18, United States Code, Section 1962(c).)

COUNT TWO

Racketeering Conspiracy

The Grand Jury further charges:

25. Paragraphs 1 through 8 and 10 through 24 of this Indictment are repeated, realleged and incorporated by reference as though fully set forth herein.

26. From in or about the early 1990s, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, being persons employed by and associated with the racketeering enterprise described in Paragraphs 1 through 8 of this Indictment, namely, the Rudaj Organization, which enterprise was engaged in and the activities of which affected interstate and foreign commerce, unlawfully, willfully, and knowingly combined, conspired, confederated and agreed together and with each other to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as that term is defined in Title 18, United States Code, Sections 1961(1) and 1961(5), which pattern

is set forth more fully in paragraphs 11 through 24, above, as Racketeering Acts One through Fourteen. Each defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

(Title 18, United States Code, Section 1962(d).)

VIOLENT CRIMES IN AID OF RACKETEERING

COUNT THREE

Assault of Victim-2 In Aid of Racketeering

The Grand Jury further charges:

27. At all times relevant to this Indictment, the Rudaj Organization, as more fully described in Paragraphs 1 through 8 of this Indictment, which are repeated, realleged, and incorporated by reference as though set forth fully herein, constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1959(b)(2), that is, a group of individuals associated in fact, although not a legal entity, which was engaged in, and the activities of which affected, interstate and foreign commerce.

28. At all times relevant to this Indictment, the above-described enterprise, through its members and associates, engaged in racketeering activity, as that term is defined in Title 18, United States Code, Sections 1959(b)(1) and 1961(1), namely, acts involving attempted murder, conspiracy to commit murder, extortion, and illegal gambling, in violation of New York

State Penal Law, acts indictable under Title 18, United States Code, Section 1951 (extortion), acts indictable under Title 18, United States Code, Section 894 (extortionate collection of debts), acts indictable under Title 18, United States Code, Section 892 (making of extortionate extensions of credit), and acts indictable under Title 18, United States Code, Section 1955 (illegal gambling business).

29. In or about January 1999, in the Southern District of New York and elsewhere, for the purpose of gaining entrance to and maintaining and increasing their positions in the Rudaj Organization, an enterprise engaged in racketeering activity, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and NIKOLA DEDAJ, a/k/a "Big Nicky," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did assault Victim-2 with a firearm, to wit, pointed a handgun in the face of Victim-2, in violation of New York State Penal Law, Sections 120.14(1) and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

COUNT FOUR

Assault of Victim-5 In Aid Of Racketeering

The Grand Jury further charges:

30. Paragraphs 27 and 28 of this Indictment are repeated, realleged and incorporated by reference as though fully

set forth herein.

31. On or about August 3, 2001, in the Southern District of New York, the Eastern District of New York and elsewhere, for the purpose of gaining entrance to and maintaining and increasing their positions in the Rudaj Organization, an enterprise engaged in racketeering activity, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly did assault one of the Soccer Fever Victims ("Victim-5"), with a dangerous instrument, to wit, struck Victim-5 in the head with a firearm, in violation of New York State Penal Law, Sections 120.05(2) and 20.00.

(Title 18, United States Code, Sections 1959(a)(3) and 2.)

GAMBLING, LOANSHARKING, EXTORTION, FIREARMS, IMMIGRATION, AND BANK FRAUD OFFENSES

COUNT FIVE

Illegal Gambling Conspiracy

The Grand Jury further charges:

32. From in or about 1993, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle,"

a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1955.

33. It was a part and an object of the conspiracy that ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly would and did conduct, finance, manage, supervise, direct, and own all and part of an illegal gambling business, namely, a network of illegal gambling parlors, numerous gambling machines devoted to illegal gambling activities, and a bookmaking operation, in violation of New York State Penal Law Sections 225.00, 225.05, and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had

been and had remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of $2,000 in a single day, in violation of Title 18, United States Code, Section 1955.

Overt Acts

34. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. From at least in or about 1993, up through and including in or about October 2004, COLOTTI and RUDAJ conducted illegal gambling activities at a restaurant, now known as Mamma Maria and formerly known as Café Dion, on Morris Park Avenue in the Bronx.

b. Between in or about 1998 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, DIPIETRO, and others, provided protection for various illegal gambling clubs, and other locations that were used to conduct illegal gambling activities, in the Bronx, Westchester County, and Astoria, Queens.

c. Between in or about 2001 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, DIPIETRO, and others, operated a network of more than 50 gambling machines devoted to illegal gambling activities at locations throughout the New York City area, including in the Bronx, Westchester County, and Astoria, Queens.

d. Between in or about 2001 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, and DIPIETRO, collected protection payments and illegal gambling proceeds on a weekly basis from various establishments located in the Bronx and Astoria, Queens.

e. From at least in or about 2001, up through and including in or about October 2004, RUDAJ, COLOTTI, DEDAJ, and IVEZAJ conducted illegal gambling activities at an establishment, now known as Caffe Roma and formerly known as Nino's, on Morris Park Avenue in the Bronx.

f. Between in or about 2001 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, and DIPIETRO provided protection and financial backing to a sports bookmaking operation, based in various locations in Port Chester, New York.

g. Between in or about 2001 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, and DIPIETRO operated an illegal gambling club located on Adee Street in Port Chester, New York.

h. In or about June 2001, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, DIPIETRO, and others seized control of illegal gambling operations in Astoria, Queens.

i. Between in or about June 2001 and in or about

March 2004, NUCULOVIC and others directly supervised illegal gambling activities at several different gambling clubs in Astoria, Queens.

j. Between in or about June 2001 and in or about October 2004, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, and others, operated an illegal gambling club, known as Skutarija, on 23rd Avenue in Astoria, Queens.

k. On or about June 16, 2001, RUDAJ, DEDAJ, IVEZAJ, NUCULOVIC, and DIPIETRO beat Victim-3 in an effort to take over control of illegal gambling establishments in Astoria, Queens.

l. On or about August 3, 2001, RUDAJ, COLOTTI, DEDAJ, IVEZAJ, NUCULOVIC, and DIPIETRO, forcibly entered an illegal gambling club, known as Soccer Fever, in Astoria, Queens, beat Victim-5, and shut down the business.

(Title 18, United States Code, Section 371.)

COUNT SIX

Illegal Gambling Business

The Grand Jury further charges:

35. From in or about 1993, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA

NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly conducted, financed, managed, supervised, directed, and owned all and part of an illegal gambling business, namely, a network of illegal gambling parlors, numerous gambling machines devoted to illegal gambling activities, and a bookmaking operation, in violation of New York State Penal Law Sections 225.00, 225.05, and 225.10, and which business involved five and more persons who conducted, financed, managed, supervised, directed, and owned all and part of it, and which business had been and remained in substantially continuous operation for a period in excess of thirty days and had gross revenues of $2,000 in a single day.

(Title 18, United States Code, Sections 1955 and 2.)

COUNT SEVEN

Extortion Conspiracy

The Grand Jury further charges:

37. In or about February 2002, in the Southern District of New York and elsewhere, PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States

Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the Calda's Bar Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT EIGHT

Attempted Extortion

The Grand Jury further charges:

38. In or about February 2002, in the Southern District of New York and elsewhere, PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, namely, the Calda's Bar Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in

commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT NINE

Extortion Conspiracy

The Grand Jury further charges:

39. In or about October 2002, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the Mirage Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT TEN

Attempted Extortion

The Grand Jury further charges:

40. In or about October 2002, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," and ANGELO DIPIETRO, a/k/a "Fat Angelo," the defendants, and others known and unknown, unlawfully, willfully, and knowingly attempted to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by attempting to obtain money and property from and with the consent of another person, namely, the Mirage Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Sections 1951 and 2.)

COUNT ELEVEN

Conspiracy to Use Extortionate Means
to Collect Extensions of Credit

The Grand Jury further charges:

41. From in or about 2003, up through and including in or about April 2004, in the Southern District of New York and

elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," and NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined, conspired, confederated, and agreed together and with each other to participate in the use of extortionate means to collect and attempt to collect extensions of credit, as that term is defined in Title 18, United States Code, Section 891, and to punish persons for the non-repayment of said extensions of credit, to wit, RUDAJ and DEDAJ agreed to use physical violence and the threat of physical violence in order to collect an extension of credit.

(Title 18, United States Code, Section 894.)

COUNT TWELVE

Extortion Conspiracy

The Grand Jury further charges:

44. From in or about Summer 2003, up through and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," and LJUSA NUCULOVIC, a/k/a "Louie," the defendants, and others known and unknown, unlawfully, willfully, and knowingly combined,

conspired, confederated, and agreed together and with each other to commit extortion, as that term is defined in Title 18, United States Code, Section 1951(b)(2), by conspiring to obtain money and property from and with the consent of another person, to wit, the Cosmo's Bar Victim, which consent would have been and was induced by the wrongful use of actual and threatened force, violence, and fear, and thereby would and did obstruct, delay, and affect commerce, and the movement of articles and commodities in commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3).

(Title 18, United States Code, Section 1951.)

COUNT THIRTEEN

Use And Carrying Of A Firearm

The Grand Jury further charges:

47. Paragraphs 1 through 8 and 11 through 24 of this Indictment are repeated, realleged and incorporated by reference as though fully set forth herein.

48. From in or about 1993, up to and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," NARDINO COLOTTI, a/k/a "Leonardo," a/k/a "Lenny," NIKOLA DEDAJ, a/k/a "Big Nick," a/k/a "Nicky Nails," PRENKA IVEZAJ, a/k/a "Frankie," a/k/a "Big Frank," LJUSA NUCULOVIC, a/k/a "Louie," and ANGELO DIPIETRO, a/k/a "Fat

Angelo," the defendants, and others known and unknown, unlawfully, willfully and knowingly did use and carry firearms, which firearms were brandished, during and in relation to crimes of violence for which they may be prosecuted in a court of the United States, and did possess firearms in furtherance of such crimes, to wit, the racketeering charge contained in Count One of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.)

COUNT FOURTEEN

Bank Fraud

The Grand Jury further charges:

50. From on or about October 31, 2001, up to and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," unlawfully, willfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, to wit, Ponce de Leon Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, said financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, RUDAJ, by and through his company, FGI Holding Corp., submitted an application for a mortgage loan for $135,000 that

included a fraudulent federal tax return.

(Title 18, United States Code, Section 1344.)

COUNT FIFTEEN

Bank Fraud

The Grand Jury further charges:

51. From on or about March 27, 2002, up to and including in or about October 2004, in the Southern District of New York and elsewhere, ALEX RUDAJ, a/k/a "Sandro Rudovic," a/k/a "Uncle," a/k/a "Allie Boy," unlawfully, willfully and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, to wit, Ponce de Leon Bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, said financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, RUDAJ, by and through his company, FGI Holding Corp., submitted an application for a mortgage loan for $250,000 that included a fraudulent federal tax return.

(Title 18, United States Code, Section 1344.)